

(1) Eighth and Final Account and (2) Report of Conservator and (3) Petition for Allowance of Compensation to Conservator, Attorneys' Fees and Costs, (4) Delivery of Assets and (5) Termination of Conservatorship

DOD: 11/30/12		BARBAR BIGELOW , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Petitioner requests to distribute the remaining assets in the conservatorship estate pursuant to Probate Code § 13000. Therefore need affidavit from each person entitled to distribution.
		Account period: 03/01/11 – 07/31/13	
		Accounting - \$155,931.63	
		Beginning POH - \$13,693.18	
		Ending POH - \$18,888.48	
Cont. from		Conservator - \$840.00	
<input type="checkbox"/>	Aff.Sub.Wit.	Attorney - \$1,123.59	
<input checked="" type="checkbox"/>	Verified	(\$1,005.00 for this accounting period (2.75 hrs. @ \$300/hr. and 1.5 hrs. @ \$120/hr.) plus \$118.59 previously approved unpaid fees from previous accounting period)	
<input type="checkbox"/>	Inventory	Costs - \$513.00 (filing fees, courtcall)	
<input type="checkbox"/>	PTC	Reserve - \$800.00 (for preparation of final tax returns)	
<input type="checkbox"/>	Not.Cred.	Petitioner requests to distribute the remaining assets pursuant to Probate Code § 13000, as follows:	
<input checked="" type="checkbox"/>	Notice of Hrg	Barbara Bigelow - \$5,203.96	
<input checked="" type="checkbox"/>	Aff.Mail	Dianne Andrews - \$5,203.96	
<input type="checkbox"/>	Aff.Pub.	Roger Peterson - \$5,203.96*	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620(c)		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: JF

Reviewed on: 10/04/13

Updates:

Recommendation:

File 1 - Peterson

Petition to Authorize Proposed Action

Age: 66 DOB: 07/27/47		THOMAS J. CHENEY , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
	Aff.Sub.Wit.	Petitioner states: <ol style="list-style-type: none"> 1. He is the spouse of the conservatee and owns real property in Sanger, CA as a joint tenant with the conservatee. This community property interest in the property is not asset of the conservatorship of the estate. The property is the family home of the conservatee, although the conservatee continues to reside at the Sanger Convalescent Hospital. 2. Petitioner seeks an order authorizing him, as conservator, to transfer the conservatee's joint tenancy interest in the property located in Sanger, CA to himself, as spouse of the conservatee. 3. The only asset of the conservatorship of the estate is public assistance benefits the conservatee receives totaling \$600.00 per year. On 10/22/03, the Court granted the Conservator's petition to dispense with accounts under Probate Code § 2628(a). Public assistance benefits cover all of the conservatee's needs. 4. Should the conservatee die, and Petition/spouse survive her, he will succeed to her joint tenancy interest in this property by virtue of his survivorship. Upon the conservatee's death, it is expected that there will be an estate recovery claim submitted by the DHS against the conservatee's joint tenancy interest in the property. It would be in the best interest of the conservatee's probate estate to avoid an estate recovery claim. 5. The conservatee lacks the capacity for the proposed action. The proposed action will have no adverse effect on the conservatorship of the estate. The conservatee will continue to receive public assistance benefits. Her interest in the property, the family home, is an exempt asset. Petitioner contends that if the conservatee had the capacity to consult with an estate planning attorney, and if she realized that her joint tenancy interest in this property would be subject to an estate recovery claim, she would, as a reasonable, prudent person, transfer such interest to her spouse, to avoid such a claim against her probate estate. If the conservatee were to gift or transfer her joint tenancy interest to anyone, it is likely that the recipient of this proposed gift or transfer would be the petitioner, the spouse. He is the logical object of the conservatee's bounty. Petitioner has no reason to believe that the conservatee would oppose the proposed action. 6. Conservatee has no will or any other estate plan. Her only asset is her joint tenancy asset in the subject property and as stated, upon her death, Petitioner will succeed to it as a surviving joint tenant. 	Reviewed by: JF Reviewed on: 10/10/13 Updates: Recommendation: File 2 - Cheney
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail w/		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Petitioner prays for an Order:

1. Authorizing Petitioner to transfer the conservatee's interest in real property in Sanger, CA to Petitioner, a married man, as his sole and separate property.

(1) Report of Administration of Executor and Petition for Settlement Thereof; (2) for Allowance of Statutory Attorneys' Fees; and (3) for Final Distribution [Prob. C. 1060 et seq., 10800, 10810, 10811, 12201]

DOD: 01/14/05		PEARL NELSON , Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. The Petition states that Petitioner Pearl Nelson is the only testate heir of the decedent and therefore requests distribution to her; however decedent's will leaves the residue of the estate to the Trustee of a Testamentary Trust established by the Will. The Will nominates Pearl Nelson & Lynne Nelson as Co-Trustees of the Trust. The Court may require further information. 2. The Petition does not contain an accounting nor does it address whether the beneficiary(ies) waive(s) accounting. The Court may require waivers of account from all beneficiaries. 3. The Petition discloses that the Petitioner received, in her individual capacity, settlement proceeds that should have been paid to the estate. The Petition does not address whether or not there is a detriment to the estate due to this fact. The Court may require further information.
		Accounting is waived?	
		I & A - \$0.00	
		POH - \$0.00	
Cont. from		Executor - not addressed	
<input checked="" type="checkbox"/>	Aff.Sub.Wit.	Attorney - \$500.00 (less than statutory)	
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Distribution, pursuant to Decedent's Will, is to:	
<input checked="" type="checkbox"/>	Aff.Mail	Pearl Nelson - 100% of any assets hereafter discovered	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters	08/16/05	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202	n/a	
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: JF
			Reviewed on: 10/10/13
			Updates:
			Recommendation:
			File 3 - Nelson

(1)Third Account Current and Report of Conservatorship and (2)Petition for Allowance of Compensation to Conservator and Attorney

Age: 78 DOB: 02/27/35		PUBLIC GUARDIAN, Conservator, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:	
		Account period: 08/01/11 – 07/31/13		1. It does not appear that the bond fee is calculated correctly. Need more information as to the appropriateness of using the total charges figure rather than the value of the assets. Further, Petitioner did not deduct the first \$10,000.00 (which is charged at \$25.00). Need more information. <u>Note:</u> A status hearing will be set as follows: <ul style="list-style-type: none"> Friday, October 9, 2013 at 9:00 am in Dept. 303 for filing of the Fourth Account. 	
		Accounting - \$2,109,707.15			
		Beginning POH - \$1,936,891.56			
		Ending POH - \$1,982,272.80			
Cont. from		Conservator - \$4,573.68 (22.5			
Aff.Sub.Wit.		Staff hours @ \$76/hr. and 29.83 Deputy hours @ \$96/hr.)			
✓ Verified		Attorney - \$7,585.50 (for			
Inventory		22.7 attorney hours @ \$285/hr. and 9.3			
PTC		paralegal hours @ \$120/hr.)			
Not.Cred.		Bond fee - \$10,548.54 (see			
✓ Notice of Hrg		note 1)		Reviewed by: JF Reviewed on: 10/11/13 Updates: Recommendation: File 4 - Amelino	
✓ Aff.Mail w/		Petitioner prays for an Order:			
Aff.Pub.		1. Approving, allowing and settling the			
Sp.Ntc.		Third Account and report of			
Pers.Serv.		conservator;			
Conf. Screen		2. Authorizing the conservator and			
Letters		attorney's fees and commissions; and			
Duties/Supp		3. Authorizing payment of the bond fee.			
Objections					
Video Receipt					
CI Report					
2620(c) n/a					
✓ Order					
Aff. Posting					
Status Rpt					
UCCJEA					
Citation					
FTB Notice					

(1) Second Account and Report of Conservator, (2) Petition for Settlement, (3) Reimbursement for Mileage, (4) Commissions and Fees to Conservator and Attorney

Age: 58 years		BRYAN JENSEN , Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Minute Order dated 10/2/13 states the court allows the \$25.00 per hour fee. Counsel is ordered to prepare a declaration. 1. Disbursement schedule shows payments to the Conservator, for court ordered mileage and commissions, in the amount of \$6,762.00 on 5/26/11. Schedule D also shows payment to the conservator of \$6,762.00. Therefore, since Schedule B (disbursements) and Schedule D (disposition of Harry Jensen Estate) are both listed in the same column in the summary of account and are included in the total credits, it appears the conservator has been paid twice for his commissions and mileage. – Declaration filed on 10/10/13 states Schedule D does not show additional payments made to the attorney, it simply shows the net proceeds of the undivided 1/3 interest received from the estate of Harry Jensen and transferred to the Special Needs Trust for the benefit of Debra Jensen. – Examiner note: With the explanation provided in the Declaration filed on 10/10/13 the accounting does not balance. Please see additional page
		Account period: 1/1/11 – 12/31/12	
		Accounting - \$99,385.86	
		Beginning POH - \$57,863.35	
		Ending POH - \$ 2,841.05	
Cont. from 100213			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	2620(c)		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

BRYAN JENSEN, Conservator, is petitioner.

Account period: 1/1/11 – 12/31/12

Accounting - **\$99,385.86**

Beginning POH - **\$57,863.35**

Ending POH - **\$ 2,841.05**

Conservator - **\$3,090.50** (72 hours @ \$25.00 per hour and 3910 miles @ \$.55 per mile)

Attorney - **\$1,250.00** (per Local Rule)

Current bond is \$25,988.66. Petitioner request bond be reduced to \$20,000.00.

Petitioner prays for an Order:

1. Approving, allowing and settling the second account.
2. Authorizing the conservator commissions in the amount of \$3,090.00
3. Authorizing attorney in the amount of \$1,250.00.

NEEDS/PROBLEMS/COMMENTS:

Minute Order dated 10/2/13 states the court allows the \$25.00 per hour fee. Counsel is ordered to prepare a declaration.

1. Disbursement schedule shows payments to the Conservator, for court ordered mileage and commissions, in the amount of \$6,762.00 on 5/26/11. Schedule D also shows payment to the conservator of \$6,762.00. Therefore, since Schedule B (disbursements) and Schedule D (disposition of Harry Jensen Estate) are both listed in the same column in the summary of account and are included in the total credits, it appears the conservator has been paid twice for his commissions and mileage. – **Declaration filed on 10/10/13** states Schedule D does not show additional payments made to the attorney, it simply shows the net proceeds of the undivided 1/3 interest received from the estate of Harry Jensen and transferred to the Special Needs Trust for the benefit of Debra Jensen. – **Examiner note:** With the explanation provided in the Declaration filed on 10/10/13 the accounting does not balance.

Please see additional page

Reviewed by: KT

Reviewed on: 10/4/13

Updates: 10/14/13

Recommendation:

File 5 – Jensen

NEEDS/PROBLEMS/COMMENTS (cont.):

1. Disbursement schedule shows payments to the attorney, for court ordered fees, in the amount of \$2,945.00 on 6/7/11. Schedule D also shows payment of \$2,945.00 to the attorney. Therefore, since Schedule B (disbursements) and Schedule D (disposition of Harry Jensen Estate) are both listed in the same column in the summary of account and are included in the total credits, it appears the attorney has been paid twice for his fees. – **Declaration filed on 10/10/13** states Schedule D does not show additional payments made to the attorney, it simply shows the net proceeds of the undivided 1/3 interest received from the estate of Harry Jensen and transferred to the Special Needs Trust for the benefit of Debra Jensen. – **Examiner note:** With the explanation provided in the Declaration filed on 10/10/13 the accounting does not balance.

Note: If the petition is granted, a status hearing will be set as follows:

- **Friday, February 6, 2015** at 9:00 a.m. in Department 303, for the filing of the third account.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

(1) First Account and Report of Conservators; (2) Petition for Allowance of Fees to Attorney for Conservators [Prob. C. 2620; 2640]

Age: 45 DOB: 04/16/68		JERRY PHILLIPS and ANNA PHILLIPS, Co-Conservators, are Petitioners. Account period: 06/16/11 – 07/31/13 Accounting - \$186,443.60 Beginning POH - \$112,233.41 Ending POH - \$128,986.70 Conservators - waive Attorney - \$2,500.00 (ok per Local Rule) Petitioners state that the current bond in the amount of \$53,150.90 is sufficient. Petitioners pray for an Order: 1. Approving, allowing and settling the first account; and 2. Authorizing the attorney fees. Court Investigator Anita Morris filed a report on 08/01/13.	NEEDS/PROBLEMS/COMMENTS:	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			w/o
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	2620(c)			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
Reviewed by: JF Reviewed on: 10/11/13 Updates: Recommendation: File 6 - Griffin				

Petition for Payment of Fees to Conservatee's Attorney

Age: 93 DOB: 04/16/1920		STEPHEN M. DENNING, attorney for Conservatee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		ANITA LEAL-IDROGO, daughter, was appointed Conservator of the Person and BRUCE BICKEL, was appointed Conservator of the Estate on 07/23/12. Letters were issued on 07/25/12.	
Cont. from		HARRY BAKER, former spouse, was appointed successor conservator of the Person on 09/17/13. Letters were issued to Mr. Baker on 09/17/13.	
	Aff.Sub.Wit.		
✓	Verified	Petitioner requests fees in connection with his representation of the Conservatee for the petition to appoint a conservator.	
	Inventory		
	PTC	Petitioner asks that he be paid from the Conservatorship estate for 99.85 hours @ \$250/hr. for a total of \$24,962.50. Petitioner further asks for reimbursements for filing fees in the amount of \$435.00.	
	Not.Cred.		
✓	Notice of Hrg	Services are itemized by date and include review of documents, visits with client, and court appearances.	
✓	Aff.Mail		
	Aff.Pub.	Reviewed by: JF	
	Sp.Ntc.		
	Pers.Serv.	Reviewed on: 10/11/13	
	Conf. Screen	Updates:	
	Letters	Recommendation:	
	Duties/Supp	File 7 - Haney	
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

DOD:		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED TO 11/05/2013</u></p> <p><u>Note to Judge:</u> The matter was continued to allow the research attorney more time to review the case.</p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

8A

**Petition for Probate of Will and for Letters Testamentary; Authorization to
Administer Under IAEA (Prob. C. 8002, 10450)**

DOD: 11/24/2011	HILDA GARZON-AYVAZIAN , petitioner requests appointment as Administrator with will annexed without bond.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED TO 11/05/2013</u> <u>Note to Judge:</u> The matter was continued to allow the research attorney more time to review the case. Note: A Petition for Ancillary Administration was filed by Attorney Gary L. Motsenbocker on 09/06/2013 and the hearing is set for 10/15/2013. Attorneys have been provided the Tentative Ruling. <u>Note:</u> If the petition is granted status hearings will be set as follows: <ul style="list-style-type: none"> • Friday, 02/07/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 11/14/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution.
	Sole heir waives bond.	
	Named executor declines to act.	
Cont. from 062413, 073013, 091113		
Aff.Sub.Wit.		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
✓ Notice of Hrg		
✓ Aff.Mail	w/	
✓ Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
✓ Letters		
✓ Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Estimated value of the Estate:

Personal property \$33,190.00

Real property \$647,570.00

Total: \$680,760.20

Probate Referee: Rick Smith

**Please see additional page for
Objections of Robert B. Fleming.**

NEEDS/PROBLEMS/COMMENTS:**CONTINUED TO 11/05/2013**

Note to Judge: The matter was continued to allow the research attorney more time to review the case.

Note: A Petition for Ancillary Administration was filed by Attorney Gary L. Motsenbocker on 09/06/2013 and the hearing is set for 10/15/2013.

Attorneys have been provided the Tentative Ruling.

Note: If the petition is granted status hearings will be set as follows:

- Friday, 02/07/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and
- Friday, 11/14/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution.

Reviewed by: LV

Reviewed on: 10/10/2013

Updates:

Recommendation:

File 8B – Fansler

Objections to Petition for Probate filed by Robert B. Fleming on 6/20/13. Objector states he is the duly appointed Special Administrator of the Estate of Robert Warren Fansler, deceased, which is pending in the Superior Court of the State of Arizona, County of Santa Cruz, case no. PB 12-001. Objector states he was appointed by the Arizona court to act as Special Administrator upon the determination by the Court that the appointment of a special administrator was needful and necessary due to the conflict and disputed claims among the parties.

Objector states he was appointed by the Court to act as the interim special administrator to hold and preserve the estate assets and to do whatever was needful and necessary to protect the assets of the estate during the pendency of the proceedings before the court; those matters included, among other things, the validity of the decedent's alleged "Mexican" will that was submitted in this matter. As of this time the proceedings in the Arizona court are in process and as of yet the issues before the court have not been fully adjudicated and/or resolved by the court.

There are a number of issues presently being litigated between Ms. Garzon-Ayvazian's client, Ramona Rios Rodriguez, the alleged wife of the Decedent; the child of the Decedent, Donna Jean Broussard, and the partner/significant other of the Decedent, Geraldine Guthrie. Without going into all the sordid details of the contested proceedings, a brief synopsis of the issues that are currently pending before the Arizona court is offered. Initially Geraldine Guthrie, described as the partner and or/significant other of the decedent was appointed personal representative of the decedent's estate; sometime thereafter her appointment was objected to by the decedent's alleged "Mexican" wife (Rodriguez) and an objection/claim of right was filed by the decedent's daughter (Broussard). The "wife" contends that she is the rightful heir under the decedent's alleged last will and testament, which was written in Spanish and authored in Mexico and any rights that she may have independently under the law as "surviving spouse" of the decedent. The daughter claims an interest in the estate as a lineal heir of the decedent.

The principal issues of the contest are the validity and effect of the decedent's Mexican "will." If the will is found to be valid, there are additional issues that were raised as to what the decedent actually intended when he wrote the alleged will, as well as, issues regarding the interpretation of the instrument. There is also an issue in regard to the authenticity and validity of the decedent's "Mexican" marriage.

During the course of the proceedings in Arizona, Ms. Garzon-Ayvazian, Esq. actively participated in the probate hearings and in the ensuing litigation process; and she is/was aware of Mr. Fleming's appointment as Special Administrator and all the court orders entered in that matter. After Mr. Fleming's appointment the parties have been engaged in pretrial discovery and related proceedings in preparation and anticipation of trial on the issues. Mr. Fleming states he is not an active participant in the litigation of the matter. He was charged by the court to administer the estate until such time as the issues are resolved and/or on such other considerations that the court may determine to be in the best interest of the estate.

Presently the decedent's estate owns no real property in the State of California; at the time of his death he held three promissory notes secured by deeds of trust, which are being administered in his estates. The potential possessory rights as on any of the three properties involved have not accrued into the right of possession; thus the estate holds no "ownership" interest in the three properties other than contingent beneficial interest in the as security for notes.

Please see additional page

Objections to Petition for Probate filed by Robert B. Fleming on 6/20/13 cont.: It is the opinion of the Objector that the petition filed in this matter by Ms. Garzon-Ayvazian was ill conceived and that she failed to disclose to the court all the pertinent facts and circumstances necessary for the court to take lawful and appropriate jurisdiction over this estate.

Wherefore, based on the objections and the facts presented herein, the Objector requests that the Court grant the following relieved and the Court enter and order that:

1. The Petitioner's petition be dismissed with prejudice;
2. The Objector be awarded his attorney's fees and costs; and
3. For all other proper relief the Court deems proper under the circumstances.

Reply to Objections to Petition for Probate filed by Hilda Garzon-Ayvazian on 07/05/2013. On or around the year 2000, Robert Fransler, decedent, met Ramona Rios Rodriguez in Mazatlan, Sinaloa, Mexico. At the same time that Ramona met decedent she also met Geraldine May Guthrie who was introduced as decedent's sister. Gerry herself testified at her deposition taken by the Objector, Robert B. Fleming, on 04/03/2013 that she was a business partner and friend of the decedent. She also called decedent her brother. At no time did Gerry testify that she was the significant other of the decedent as stated by Objector.

Decedent and Ramona began dating and when decedent spent his time in Mazatlan, Ramona lived with him at his home on the beach which was named "Sand Castle." When decedent was in Mazatlan, Gerry would also come down with him and she would stay in the Sand Castle and Ramona and decedent would stay in the trailer home that was parked on the property.

In February 2009, decedent and Ramona married in Mazatlan, Sinaloa, Mexico. Gerry was present at the wedding and was one of the witnesses as corroborated by the signature on the marriage certificate. Also at Gerry's deposition, she testified that "Monica" as Gerry calls Ramona was decedent's wife. Contrary to what Objector, who should be neutral since he is the Special Administrator in Arizona, has stated, Ramona **is the wife of decedent, not the alleged wife**. Although Gerry knew that Ramona was the decedent's wife after his death she refused to name her as the surviving spouse on the death certificate, and also failed to give her notice of any of the probate proceedings.

Objector has no standing to Object – The question to ask is whether the objector who is Special Administrator in Arizona is an "interested person" within the meaning of Probate Code section 48, and has standing to object to Probate of a Will in Fresno. Probate Code section 48 defines "interested person" as follows:

"(a) Subject to subdivision (b), "interest person" include any of the following:

- (1) An heir, devisee, child, spouse, creditor, beneficiary, and any other person having a property right in or claim against a trust estate or the estate of the decedent which may be affected by the proceeding.
- (2) Any person having priority for appointment as personal representative.
- (3) A fiduciary representing an interested person.

Please see additional page

(b) The meaning of "interested person" as it relates to particular purposes of, an matter involved in, any proceedings"

Under the above definitions, Objector as Special Administrator in an Arizona probate does not fall within any of the categories. An interested persona has also been defined as "one who has such a pecuniary interest in the devolution of the testator's estate as may be impaired or defeated by the probate of the will or be benefitted by having it set aside." Estate of O'Brien, 246 Cal.App.2d 788, 792, 55 Cal.Rptr. 343. Although the Special Administrator is deriving fees from the decedent's estate in Arizona that is not the pecuniary interest that case law refers to.

In an early case, the California Supreme Court held that the right of an interested person to contest a will is a fundamentally based upon the loss of property or property rights resulting from the recognition of an invalid instrument depriving him of those rights; that the purpose of a will contest is to establish a violation of the contestant's rights of property; that in its essence the contest is an action for the recovery of property unlawfully taken or about to be taken from the ownership of the contestant. Estate of Baker, 170 Cal. 578, 586-585, 150 P. 989. Although, Objector has not clearly stated that he is contesting the will of decedent of June 2011, his objections to the probate seem to infer that he is in fact objecting to the will on grounds that are not specifically stated.

In California, an Executor who has been named in a will, which has been admitted to probate, has the right to oppose or resist a contest of such will. Estate of Webster, 43 Cal.App.2d 6, 20, 110 P. 2d 81, 11 P.2d 355. In this case the Objector is not an executor named in a will but a Special Administrator. A Public Administrator, however, is not entitled to maintain a contest of a will. In Golden v. Stoddard (1935) 4 Cal.2d 300, 306 quoting Estate of Sanborn, 98 Cal. 106 the California Supreme Court stated: "A public administrator has no interest in an estate, or in the probate of a will; that is a matter which concerns only those to whom the estate would otherwise go." Objector as Special Administrator functions very similar to a Public Administrator. The Objector as Special Administrator has no interest in the estate. It is a concern only of the heirs at law or under a previous will of the decedent. He does not have the right to fight their battles. As such, the Special Administrator's objections should be dismissed because he has no standing to object. Petitioner advised the Special Administrator of this prior to him filing any objections as such his objections were frivolously or negligently filed. He should pay fees and costs to Petition from his own pocket and not from the estate.

Objector does not have capacity to sue – "Under common law, a personal representative cannot sue in his or her representative capacity outside the state of appointment. (Vaughan v. Northrup, (1841) 40 U.S. 1, 5-6 [10 L.Ed. 63]) Justice Story of the United States Supreme Court explained the doctrine: 'Every grant of administration is strictly confined in its authority and operation to the limits of the territory of the government which grants it; and does not, de jure, extend to other countries [or estate]. It cannot confer as a matter of right, any authority to collect assets of the deceased in any other state; and whatever operation is allowed to it beyond the original territory of the grant is mere matter of comity, which every nation [or state] is at liberty to yield or to withhold, according to its own policy and pleasure, with reference to its own institutions and the interest of its own citizens' (id. At p.5) Some states have abandoned the common law rule and permit estate representatives appointed by any sister state to commence litigation in their court. (e.g., N.Y. Estates, Powers & Trusts Law §13-3.5 (McKinney 1967). **California is not one of them. California has always followed the common law in holding that 'an executor or administrator, as such, has no power which he can employ extraterritorially.'** (Lewis v. Adams (1886) 70 Cal. 403, 411 [11 P. 833] italics omitted. "Smith v. Climmet, (2011) 199 Cal. Spp.4th 1381, 1391. (emphasis added).

Please see additional page

Objector by his own admission is objecting to the probate of Decedent's will of June of 2011 in his capacity as Special Administrator appointed by the Court in Nogales, Arizona. Under California law, he has no power outside of the State of Arizona to file any documents in this State in his capacity as Special Administrator.

California has jurisdiction – Objector's argument is that the decedent died holding three deeds of trust in California and that does not give California jurisdiction to hear the probate of Decedent's will because the deeds of trust are no rights of possession, and that furthermore a probate proceeding is currently pending in Arizona. In an early case, the California Supreme Court dealt with the issue of probating a will in different states. "Recognition would be given to the indisputable principle that every state has plenary power with respect to administration and disposition of the estates of deceased persons as to all property of such persons found within its jurisdiction. Thus the courts of a state may grant original probate upon wills of deceased non-residents who leave property within the state" Estate of Clark, 148 Cal. 108, 112, 82 P. 760. The decedent died holding three deeds of trust (one in Fresno, two in Calaveras County), two classic mustangs and bank accounts a Bank of America in Los Banos. As such the Decedent had assets within the state and California has jurisdiction to hear the probate.

Deed of Trust is interest in Real Property – Objector further asserts that the Deeds of Trust currently held by Decedent have no possessory rights and the estate holds no "ownership" interest in the three properties. Once again, Objector is mistaken as to California Law. Under common law and the majority rule in the United States a mortgage taken as security for a purchase money note is but a chose in action, strictly personally, representing no interest in the land. Adams v. Winne (1838), 7 Paige (N.Y.) 97 101-102. But under California law, "a mortgage is not a mere chose in action." A mortgage creates "an interest in the property to the extent of the attachment lien." Estate of McLaughlin, 97 Cal.App. 485 [275 P. 875]. "Under California law, a mortgage also has a security interest in the nature of an equitable lien." Childs etc. Co. v. Shelburne Realty Co., 23 Cal.2d 263, 268. "A trust deed definitely does represent an interest in the land, for the title is in the trustee for the benefit of the creditor. Bank of Italy v. Bentley, 217 Cal 644, 655 [20 P. 2d940]; Py v. Pleitner, 70 Cal.App.2d 576, 579 [161 P.2d 393]. "Though the trust deed has been analogized to a mortgage, especially between debtor and creditor, whenever necessary to avoid harshness in the application of the rule, it still remains true that **title does not pass to the buyer but rests in the trustee for the primary benefit of the seller. And any rule that rests upon the assumption that the holder of a trust deed note does not have any interest in the land finds no substantial basis in California law.**" Estate of Moore, 135 Cal.App.2d 122, 132. (Emphasis added). Therefore, the three Deeds of Trust that Decedent holds for property here in California do represent an interest in land and as such, California has jurisdiction over the Estate of Decedent for the Deeds of Trust in California.

Deed of Trust is Debt that has Situs in California – In California, "(i)t has therefore been widely held that **a debt has its situs at the domicile of the debtor for purposes of administration**, since it may be necessary to sue him there and to have administrator appointed to bring suit. (See 3 Beale, Conflict of Laws [1935], p. 1452; see 23 Minn. L. Rev. 221.) By the same reasoning **a debt will be regarded as an asset wherever the debtor is subject to suit.** (New England Mutual Life Ins. Co. v. Woodworth, 111 U.S. 138 [4 S.Ct. 364, L.Ed. 379]" Estate of Waits, 23 Cal. 2d 676, 680-681 (emphasis added).

Please see additional page

Of the three deeds of trust that are held by the Decedent, two of them have been seriously in arrears for more than a year and a half, and it has become necessary to bring suit against the debtors. The Special Administrator is attempting to handle the probate of these Deeds of Trust from his position as Special Administrator in Arizona which is acting outside of his authority according to California law.

The Deeds of Trust are assets of the Estate in California and as such, the Arizona special Administrator should be enjoined from acting any further on any issue dealing with the Deed Trust, including any payments on any Deed of Trust.

Based on the California Probate Code and Case Law, the Objector who is the Special Administrator and an Attorney in Arizona is not an interested party for purposes of objecting to the Petition for Probate filed by the Petitioner. Further, more Objector as an Arizona Special Administrator has no capacity to be involved in this proceeding in California. California has jurisdiction over assets within its borders. The three Deeds of Trust held by the Decedent are considered an interest in the real properties. And, finally, the Situs for the Deeds of Trust, which are debts owed on the real properties is where the Debtors are subject suit. The res are in California and the debtors are subject to suit on the res her in California.

Petitioner requests that this Court enter an order that:

- **The Objector has no standing to object to the Petition for Probate.**
- **The Objector has no capacity to object to the Petition for Probate.**
- **California has jurisdiction to hear the Probate Petition.**
- **The three Deeds of Trust are an interest in real property**
- **For purposes of Administration, the situs of the Deeds of Trust is California where the debtors are subject to suit.**
- **The Objector who is the Arizona Special Administrator is enjoined from handling any issues dealing with the three Deeds of Trust, including negotiating with the debtors, re-negotiating any of the Deeds of Trust and collecting any of the payments.**
- **Attorney fees and costs.**

Memorandum of Points and Authorities in Opposition to the Objections of the Petitioner to the Objections of the Respondent filed by Robert B. Fleming on 07/23/2013. During the course of the proceedings in the Arizona Superior Court Ms. Garzon-Ayvazian, Esq. has actively participated in the probate hearings and in the ensuing litigation process; and she is/was aware of the appointment of a Special Administrator and all the court orders entered in that matter. After the Objector's appointment the parties, including Ms. Garzon-Ayvazian have engaged in pretrial discovery and related proceedings in preparations and anticipation of a trial on the issues that are pending resolution by the Superior Court of the State of Arizona, Santa Cruz County. The Objector/Respondent is charged by the court to administer the estate until such time as all issues are resolved and or/on such other considerations that the court may determine to be in the best interest of the estate. Presently the decedent's estate holds three promissory notes secured by deeds of trust, which are being administered in the Decedent's estate in Arizona. The decedent's estate holds no "ownership" interest in the three properties other than a contingent beneficial interest in them as security for the notes. It is the opinion of the Objector that the petition filed in this matter by Ms. Garzon-Ayvazian is ill conceived and that she failed to disclose all the pertinent facts and circumstances necessary for a California court to take lawful and appropriate jurisdiction over this matter.

Please see additional page

The call of the question on the probate petition is "Does the Decedent own real property in California?" The question in the petition calls for a response as to whether or not the decedent owns or has tangible possessory right in real property; that theoretically could include leasehold rights, if it were for a term of years. In the present case the Respondent contends that the decedent did not "own" real property in California. The moving party argues that the Decedent owned real property since he held "a mortgage" on several pieces of real property. This assertion by the Petitioner is a gross oversimplification and generalization of the use of the term "mortgage." In her moving papers she characterizes the interest held by the Decedent as a mortgage, citing various case rulings that have held that a "mortgage" is an interest in real property; her analysis is patently flawed and misleading. It is a common place for individuals, lay persons, banks and other institutions to refer an encumbrance on real property as a "mortgage." In California this generally inaccurate. "...the majority of "mortgages" with a different name..." Quoted from an article on Mortgages from mortgagecalculator.org/mortgage-rates/California.php.

According to Witkin's 10th Summary of California, CEB's Ogden's Revised California Real Property Law and other legal treatises a promissory note secured by deed of trust is not a possessory right or an ownership right in real property; it is merely a secured interest in real property. Promissory notes are intangible personal property; they do not represent an actual titled ownership in realty. A promissory note is acknowledgement of a debt or obligation which encumbers the owner's title to real property; the promissory note is indicia of money due and payable; a promissory note is a negotiable instrument and it is classified as intangible personal property. As "personal property the notes are movable, transportable and transferable; for all purposes under the law they assume the domicile of the holder, which in the present case that would be the State of Arizona – see Estate Moore v. Geisman, Estate of Burnison vs Katz (cited above) and C.C. §946.

True "mortgages" are not commonly used in California, they are not the method of choice in California in secured real property transaction; deeds of trust are by far and away the most commonly utilized. Mortgages involve two parties, the mortgager and the mortgagee. Deeds of trust differ in several ways, chiefly that there are three parties: 1) the trustor, owner and title holder of the property; 2) the trustee, the party charged with enforcing the terms of the note in the event of default on the payments and any other terms of the trust deed which are violated; and 3) the beneficiary, holder of the note and the party to whom the payments are to be made and to which additional obligations may be owed-payment of property taxes, insurance on the property, etc. The beneficiary retains no ownership right per se in the real property; the interest held and retained by the beneficiary is simply the right to receive payments by and pursuant to the terms of the note; his interest in the property is to insure performance of the pledged obligations of the trustor, title holder. The note holder has no rights to occupy the premises, to encumber or transfer any interest in the real property or to the rents and profits therefrom; he merely hold a secured interest in the property to insure that obligation is paid as agreed. The beneficiary's remedy for breach of the agreement is to demand that the trustee sell the property to satisfy and remaining balance on the note.

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Omission of the relevant and essential facts in this matter – At the risk of being redundant the Respondent has maintained from the very onset that the Petitioner did not and has not properly informed the Fresno County Superior Court of the concurrent proceedings being conducted in Arizona Superior Court nor did she inform the court of any proceedings allegedly in being held in a Mexican Court in regard to this Decedent's estate. At the very least her petition should have informed the court of one or both of these matters because the property application (petition) if any, would have been to establish an ancillary proceeding on this matter rather than a "straight up" probate – Decedent was not a resident of California, see Probate Code § 12522. The moving party has admitted or has not denied the fact that there are other proceedings in regard to this matter in Arizona; that the Decedent died in Arizona; she contended that the Decedent was a concurrent resident of Arizona and Mexico at the time of his death in her petition; that the Decedent held property in Mexico; that he left a "Mexican" will; that the Decedent died leaving personal and real property in Arizona; and that he had a Arizona will. All of these facts clearly establish that the Arizona court has assumed primary jurisdiction in this matter and any proceeding in California would necessarily be ancillary in nature; and further that the California Court would be duty bound to abide by and enforce the determinations of the Arizona court as to its findings as to the decedent's last will and testament and other matters as the Arizona court has primary jurisdiction in this matter as the Decedent was domiciled in that state at the time of this death.

What would the Petitioner be thinking when she filed this probate proceeding in California and fail to inform the court of pertinent relevant facts in regard to the other proceedings? There is no question that a California attorney as an officer of the Court, has an absolute duty to be ethical and forthright in her dealings and presentations of matters to the court – Rule of Professional Conduct 5-200 cited above.

Counsel is apprised of the fact that there is a motion for summary judgment scheduled and currently pending to be heard next month in the Arizona probate proceedings. A party in that proceeding is contending that the "Mexican" will is invalid as a matter of law; that the alleged power of attorney appointing the Petitioner on behalf of the alleged Mexican wife is invalid as a matter of law and that he POA limits her representation as to matters in Mexico. If these claims are found by the Arizona Court to be true (not necessarily binding on a California Court) that ruling would be most damaging to the Petitioner in this matter. The motion contends that neither will or power of attorney conform to the laws of the State of Sinaloa, Mexico, the place where the documents that were allegedly written and executed. I cannot imagine that if these documents do not conform to Mexican law that a California court would entertain them as being valid in spite of that fact. The failure of the Petitioner to inform the court of the facts in this matter amounts a serious breach of professional ethics, to his Court, as well as, to the Superior Court of Arizona, see *Griffis v. S.S. Kresge Company* cited above.

The Petitioner's objections are ill-founded and not supported by the holdings in the laws of the State of California or the state of Arizona. A Promissory note is personalty; it assumes the domicile of the decedent. The jurisdiction in which the decedent is domiciled has the authority to make findings pertaining to the proper disposition of estate of deceased persons upon which the states' courts have acquired primary jurisdiction; in this case under the laws of the State of Arizona not California. The lack of candor on the part of the Petitioner in this matter is inexcusable; her conduct amounts to a serious breach of her ethical obligation to the courts of both Arizona and the California.

Please see additional page

Further Reply to Objections to Petition for Probate filed by Hilda Garzon-Ayvazian on 08/26/2013 states on 06/16/2011, Robert W. Fansler went to the office of Attorney Jesus Ernesto Cardenas Fonseca, Notario, in Mazatlan, Sinaloa, Mexico to make his last Will and Testament (hereinafter the "Mexican Will"). A Notario is an attorney that is authorized by the state to handle writing wills, real property transactions, powers of attorneys and notarization of documents. No other attorney in Mexico can do so. The last will and testament of 06/16/2011 revoked any prior wills of the Decedent. The Decedent had previously executed a Will (hereinafter the "California Will") in Los Banos, California in 2006. The California Will left his estate to Geraldine Guthrie, his friend, Donna Broussard, his sister, and Barbara Stettner, his daughter that he had given up for adoption when she was a baby almost fifty years ago. The California Will was executed prior to the Decedent's marriage to Ramona Rios Rodriguez in 2009.

The Mexican Will was signed in the presence of the Notario and Sol Jennis Salazar Ortiz, the translator chosen by the Decedent to aid him because he felt that he did not have sufficient knowledge of Spanish legal terms. In the Mexican Will, the Decedent states that he is domiciled in Mazatlan. He also states that his universal heir is his wife Ramona Rios Rodriguez. The Mexican Will was filed in court in Arizona under a formal testacy proceeding but the Court refused to admit it into evidence although it had been duly authenticated according to the Hague Convention Apostille and the Notario/Attorney Cardenas Fonseca testified in court in Arizona on September 2012 regarding the Mexican Will. His testimony, however, was cut short by the court and he was unable to fully give testimony regarding the will.

On 11/13/2012, the Petitioner filed a Notice of Petition for Probate in Mazatlan, Sinaloa, Mexico (hereinafter "Mexican Probate") in the proceedings in the Arizona case. Notice of the case number and the Family Law Court was given to Mr. Droeger, counsel representing Geri, and Ms. Shepherd, counsel representing Stettner. Notice was also given to Donna who was not represented by counsel and the objector. All notices were mailed on 11/09/2012. See attached Exhibit 1, Notice of Probate of Will of Decedent in Mazatlan, Sinaloa, Mexico. No one made an appearance in the Mexican Probate proceedings.

On 03/11/2013, Petitioner filed a Notice of Hearing of the Mexican probate in the Arizona proceedings. The notice specifically stated that the hearing was to determine the validity of the Mexican Will and confirm the heirs of the estate and would take place on 04/09/2013. Notice was once again given to the counsel representing Gerie and counsel representing Stettner. Notice was also given to Donna Broussard who was not represented by counsel and the Objector. All notices were mailed on 03/06/2013. See attached Exhibit 2, Notice of Hearing of Probate of Will of Decedent in Mazatlan, Sinaloa, Mexico. No one made an appearance at the hearing on 04/09/2013 except for Ramona and Abelardo Rios Rodriguez, the Executor named in the Mexican Will. On 03/26/2013, Ms. Shepherd, counsel for Stettner served discovery requests upon Ramona, including a request for copies of all documents filed in the Mexican Probate. See Exhibit 3, Discovery Requests to Ramona Rios Rodriguez, page 6 of 7 lines 1-3.

On 04/09/2013, the Mexican Family Law Court found the Mexican Will was valid, the decedent was domiciled in Mazatlan, Sinaloa, Mexico and Ramona was declared the universal heir of the decedent's estate. The Certified Copy and duly Apostilled Mexican Will and Order for Probate from the Mexican Family Law Court was filed with this Court on 06/21/2013.

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The Mexican Will was declared valid by the Mexican Probate Court, therefore it is in accord with the laws of the place where it was executed. Furthermore, it is also executed in accordance with California law. Probate Code Section 6110 provides that a will has to be in writing, signed by the testator and the signing by the testator has to be witnessed by at least two people. The Mexican Will was in writing. It was witnessed by the Attorney/Notario that drafted the will and the interpreter sol Jennis Salazar Ortiz.

The Probate Court in Nogales, Arizona has ruled via Summary Judgment Motion that Stettner was not given notice of the Mexican Probate, refused to give comity to the **final order for probate from Mexico**, and declared the will invalid. Ms. Shepherd, counsel for Stettner requested attorney fees and costs pursuant to her Motion and the court has not ruled on that issue. According to Arizona law, the granting of the Summary Motion is no a final judgment until the issue of the fees is ruled on by the court. When the issue is ruled on by the court or the court certifies the judgment as final, Ramona will timely file her appeal. Therefore, the Summary Judgment order of the Arizona court is not a final order.

Conclusion: based on the California Probate Code and Case Law, the Mexican Will must be admitted to probate since the Order admitting the will and holding it valid in Mexico **is a final order and cannot be collaterally attacked** since all interested parties were given notice of the Mexican proceedings and had an opportunity to contest the probate in Mexico but failed to do so. Furthermore, the Mexican court found the decedent to be domiciled in Mexico and California has held that Mexico's judicial system does provide impartial tribunals or procedures compatible with the requirements of due process.

Wherefore, Petitioner requests that this Court enter an order that:

1. The Mexican Will of 06/16/2011 will be given comity and is admitted to probate.
2. Petitioner is Administrator with Will Annexed.
3. California has jurisdiction to hear the Probate Petition.
4. The three Deeds of Trust are an interest in Real Property.
5. For purposes of Administration, the situs of the Deeds of Trust is California where the debtors are subject to suit.
6. Attorney fees and costs.

Supplemental Information and Argument in Support of the Objections made to the Petition for Probate of "Mexican" Will filed by Attorney G. L. Motsenbocker on 08/27/2013 states Mr. Robert B. Fleming is duly appointed Special Administrator of the Estate of Robert Warren Fransler, deceased, Superior Court of the State of Arizona, County of Santa Cruz, Case No. PB-12-001 and is currently action in that capacity. He was appointed by the Arizona Superior Court upon the Court's determination that the appointment of a special administrator was in the best interest of the estate and was needful and necessary due to the ongoing conflict and disputed claims among various the parties as to the proper and appropriate personal representative of the Decedent's estate and conflicting testamentary instruments. The Respondent previously submitted copies of the court Order appointing him as Special Administrator by the Santa Cruz County Superior Court, Arizona and a copy of the Letters of Special Administration that were issued by the clerk. Since the date of his appointment he has been acting as and is currently acting on behalf of the Estate. Currently his authority is in full force and effect and it has not been modified or revoked by the Court. He was charged by the court to act as the interim special administrator to hold and preserve the assets of the estate and to do whatever was needful and necessary to protect the estate during the pendency of the other proceedings before the court; those matters included, inter alia, the validity of the decedent's alleged "Mexican" will that was submitted in this matter.

On July 31, 2013 the Superior Court of the State of Arizona, County of Santa Cruz, Case No. PB 12-001 the Honorable Judge Anna M. Montoya-Paez ruled on the Motion for Summary Judgment filed on behalf of Barbara Stettner by Attorney Denise R. Sheppard and on the Cross Motion for Summary Judgment filed on behalf of Ramona Rios Rodriguez by Attorney James McMahon and the replies that followed. A certified copy of the court's order after finding and determinations that were made is attached hereto as Exhibit "A" and incorporated by reference as though fully set forth herein. Inter alia, the pertinent findings of Arizona Court and its order, on pages 5 and 6, were as follows: 1 that the Mexican will is invalid; 2 that the Judgment of Mazatlan, Mexico Court is not given full faith and credit; 3 that Rios Ramos is found to be an omitted spouse; and 4 that the appointment of Hilda Garzon-Ayvazian as personal representative is denied.

Conclusion: It would seem that all of the points that the petitioner has presented to this court were addressed in the Arizona Court proceedings and that the petitioner had full and ample opportunity plead and argue her case before that court and that the upshot of that proceeding was that the court determined all the questions of law and fact before that court (and also this court) against her client. Given the findings and order of the Arizona court the Petitioner's redress, if any, lies with the Arizona State Supreme Court along with her arguments in regard to the Hague Convention, etc.

As a matter of information Robert B. Fleming, Esq., the Special Administrator of the Arizona matter, is in the process of filing a petition for appointment as special administrator here in California. While he does not agree with the assertions or representations of the petitioner in this matter in regard to the nature of the property rights of the notes and deeds of trust held by the Decedent he is on the opinion that his application for appointment would essential end to the attempts of the Petitioner to circumvent the law and the jurisdiction of California and Arizona courts in this matter.

First Account and Report of Trustee and Petition for Settlement

			BRYAN JENSEN , Trustee, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Disbursement schedule show a disbursement for cigarettes in the amount of \$132.64 on 6/27/12 and another disbursement on 10/18/2012 for two carton cigarettes and wool jacket in the amount of \$185.43. Assets a "Special Needs Trust" are to be used for the "special needs" of the beneficiary. Cigarettes do not appear to be an appropriate disbursement for a "Special Needs" trust. 2. Need proof of service of the Notice of Hearing on: a. Department of Health Care Services b. Director of State Hospitals c. State Department of Developmental Services.
			Account period: 7/6/11 – 12/31/12	
			Accounting - \$43,133.28	
			Beginning POH - \$0	
			Ending POH - \$25,988.99	
Cont. from			Trustee - not addressed	
<input type="checkbox"/>	Aff.Sub.Wit.		Attorney - not addressed	
<input checked="" type="checkbox"/>	Verified		Petitioner prays for an Order:	
<input type="checkbox"/>	Inventory		1. Settling, allowing said first account and report and allowing and confirming petitioner's acts as Trustee.	
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail	W/		
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Reviewed by: KT
Reviewed on: 10/4/13
Updates:
Recommendation:
File 9 - Jensen

Status Hearing Re: Filing of the First Account or Petition for Final Distribution

DOD: 1-11-10		JENNIE ORONA , Surviving Spouse, was appointed Executor with Full IAEA without bond and Letters issued on 5-10-12.	NEEDS/PROBLEMS/COMMENTS:
Cont from 071513		At hearing on 5-3-12, the Court set this status date for filing of the first account or petition for final distribution.	<u>Continued from 7-15-13</u>
<input type="checkbox"/>	Aff.Sub.Wit.		<u>Minute Order 7-15-13: Counsel requests a continuance.</u>
<input type="checkbox"/>	Verified		<u>Note: Decedent's will makes one specific bequest and then devises the residue between his wife and two daughters.</u>
<input type="checkbox"/>	Inventory	Inventory and Appraisal filed 7-31-12 indicated a total estate value of \$201,155.61, which consisted of \$11,372.16 cash, real property, stocks, and 50% interests in vehicles/boat, and misc. personal property.	1. Need first account or petition for final distribution or written status report pursuant to local rule.
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc
			Reviewed on: 10-14-13
			Updates:
			Recommendation:
			File 10 – Orona

Atty Pape, Jeffrey B., of Pape & Shewan (for Petitioner Dennis Freeman)

Atty James, Christine M., of James Law Group, Roseville (for Respondent Christopher Lull)

Citation Requiring Citee to Appear and Account for Estate Property

Stephen DOD: 8/9/2005		DENNIS FREEMAN, cousin of Stephan Winter, the Successor Trustee of and Beneficiary of the STEPHAN AND DEBBRA WINTER REVOCABLE TRUST , is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Debbra DOD: 5/13/2013			
		Petitioner filed on 9/20/2013 a request for an ex parte order directing that a citation be issued to CHRISTOPHER LULL to appear and account for estate property, asserting as grounds for the petition, among other things, that:	1. Court records do not contain proof of personal service of the Citation issued on 9/25/2013, nor proof of mailed service of the signed Order Approving Issuance of Citation Requiring Christopher Lull to Appear and Account for Estate Property filed on 9/24/2013 indicating the hearing date of 10/15/2013. Proof of Service filed 9/23/2013 shows the Supplemental Declaration and the proposed Order Approving Issuance lacking the 10/15/2013 hearing date was mailed to Christopher Lull (at an address in Newcastle, CA), and to Attorney Christine James on 9/23/2013, and by electronic service at rubylaw@msn.com (listed on the CA State Bar website as her current email address.)
Cont. from			
	Aff.Sub.Wit.	<ul style="list-style-type: none"> Christopher Lull took possession of Bank of America [account number omitted] with a balance of over \$565,000.00, which was an asset of the Trust; On 8/12/2013, Christopher Lull was ordered to preserve the Bank of America account; After 5 weeks of attempting to ascertain the location of the Bank of America account funds, Petitioner has been informed by Mr. Lull's counsel, CHRISTINE JAMES, that "there are no assets left to be turned over to the temporary trustee" [please see Exhibit D to Declaration of Jeffrey Pape filed 9/20/2013; noted on additional page]. 	<p>Note: An Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$1,000.00 as to Christopher Lull; and an Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$1,000.00 as to Christine James are set for hearing on 10/21/2013 at 1:30 p.m. in Department 303.</p> <p>Note: Notice of Motion and Motion for Judgment on the Pleadings; Memorandum of Points and Authorities in Support Thereof; Declaration of Jeffrey B. Pape was filed 10/8/2013, and is set for hearing on 12/9/2013.</p>
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	Order Approving Issuance of Citation Requiring Christopher Lull to Appear and Account for Estate Property was filed on 9/24/2013, ordering a citation be issued to Christopher Lull to appear and account under oath regarding property of the Trust estate, including but not limited to Bank of America account [number omitted] on 10/15/2013 in Department 303 at 10:30 A.M.	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation	X	
	FTB Notice		
		~Please see additional page~	<p>Reviewed by: LEG</p> <p>Reviewed on: 10/14/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 - Winter</p>

Supplemental Declaration of Jeffrey B. Pape in Support of Ex Parte Petition for Issuance of Citation Requiring Citee to Appear and Account for Estate Property filed 9/23/2013 states:

- The purpose of the requested citation is to compel Christopher Lull to appear and testify as to the disposition of funds belonging to the **STEPHAN AND DEBBRA WINTER REVOCABLE TRUST** in excess of **\$565,000.00** wrongfully removed from a Bank of America account on or about 6/28 [or 26?]/2013;
- While it is difficult to provide a time estimate for Mr. Lull's examination, Attorney Pape estimates the examination of Mr. Lull should not exceed **2 hours**.

Declaration of Jeffrey B. Pape in Support of Ex Parte Petition for Issuance of Citation Requiring Citee to Appear and Account for Estate Property filed 9/20/2013 provides the following attachments:

- Copy of the **STEPHAN AND DEBBRA WINTER REVOCABLE TRUST** dated **2/16/1994** (*Exhibit A*);
- Copy of the Amendment to the **STEPHAN AND DEBBRA WINTER REVOCABLE TRUST** [signed 9/14/2002] (*Exhibit B*);
- Copy of Attorney Pape's 9/19/2013 email sent to Christopher Lull's attorney, **CHRISTINE JAMES**, concerning her failure and her client's failure to appear at the OSC in this matter [on 9/19/2013], as well as their failure to turn over the Bank of America account funds which were in excess of **\$565,000.00** prior to Mr. Lull's wrongfully procuring the funds on or about 6/28 [or 6/26?]/2013 (*Exhibit C*);
- Copy of Christine James' 9/19/2013 response to Attorney Pape's email; in pertinent part, Ms. James states: "Be that as it may, there are no assets left to be turned over to the temporary trustee." (*Exhibit D*);
- Copy of Attorney Pape's [9/19/2013] email response to Ms. James' email, at which time Attorney Pape advised her that he would be seeking a citation requiring Mr. Lull to appear and account for the estate property which was misappropriated by Mr. Lull (*Exhibit E*).

Note: Court records indicate that notice mailed by Court (consisting of the *Minute Order* dated 9/19/2013 and *Order Re Order to Show Cause* dated 9/19/2013) was returned by Post Office with forwarding address, and notice was re-mailed on 10/11/2013 to Christopher Lull to the forwarding address: 7910 Walerga Road, Unit 203, Antelope, CA, 95843-6705.

Age: 7 DOB: 04/22/2006	SETH BIRD , father, and CHERISSE GILBERT , mother, are petitioners. VICTORIA VAN LINGE-SCHUH , maternal grandmother was appointed guardian on 9/1/09. Objection filed 10/11/2013. Paternal grandfather: Kenneth Bird Paternal grandmother: Kimberly Bird Maternal grandfather: Keith Gilbert Petitioner states: the child is rotated on a weekly basis between the guardian, Victoria Van-Linge Schuh and the paternal grandmother, Kimberly Bird. While the child is with the paternal grandmother, Kimberly, the father and the child's mother have been caring for him. The paternal grandmother has been cooperative in the transition aspect for the child reuniting with the parents. The guardian has not been very cooperative with allowing the father visitation. Both the mother and father believe that the more time spent solely with guardian the more unnecessary pain and stress is caused to the minor child. Petitioners have taken drastic measures to ensure that their lives have made all the positive and necessary changes that need to be made to correct the wrong that resulted in the need for the guardianship in the first place. Petitioners have overcome substance abuse issues and the father has maintained full time employment, steady residence and continued to pay child support to the guardian in order to show the court that he is willing and able to provide for his son. The father states that the ultimate driving force has and always will be to get his son back living with himself and the child's mother.	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Termination of Guardianship on the following: <ul style="list-style-type: none"> Victoria Van Linge-Schuh (Guardian) Kenneth Bird (Paternal Grandfather) Kimberly Bird (Paternal Grandmother) Keith Gilbert (Maternal Grandfather) 																																																																								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td colspan="3">Cont. from</td></tr> <tr><td style="width: 5%;"></td><td style="width: 85%;">Aff.Sub.Wit.</td><td style="width: 10%;"></td></tr> <tr><td style="text-align: center;">✓</td><td>Verified</td><td></td></tr> <tr><td></td><td>Inventory</td><td></td></tr> <tr><td></td><td>PTC</td><td></td></tr> <tr><td></td><td>Not.Cred.</td><td></td></tr> <tr><td></td><td>Notice of Hrg</td><td style="text-align: center;">X</td></tr> <tr><td></td><td>Aff.Mail</td><td style="text-align: center;">X</td></tr> <tr><td></td><td>Aff.Pub.</td><td></td></tr> <tr><td></td><td>Sp.Ntc.</td><td></td></tr> <tr><td></td><td>Pers.Serv.</td><td></td></tr> <tr><td></td><td>Conf. Screen</td><td></td></tr> <tr><td></td><td>Letters</td><td></td></tr> <tr><td></td><td>Duties/Supp</td><td></td></tr> <tr><td></td><td>Objections</td><td></td></tr> <tr><td></td><td>Video Receipt</td><td></td></tr> <tr><td style="text-align: center;">✓</td><td>CI Report</td><td></td></tr> <tr><td></td><td>9202</td><td></td></tr> <tr><td style="text-align: center;">✓</td><td>Order</td><td></td></tr> <tr><td></td><td>Aff. Posting</td><td></td></tr> <tr><td></td><td>Status Rpt</td><td></td></tr> <tr><td></td><td>UCCJEA</td><td></td></tr> <tr><td></td><td>Citation</td><td></td></tr> <tr><td></td><td>FTB Notice</td><td></td></tr> </table>	Cont. from				Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.			Notice of Hrg	X		Aff.Mail	X		Aff.Pub.			Sp.Ntc.			Pers.Serv.			Conf. Screen			Letters			Duties/Supp			Objections			Video Receipt		✓	CI Report			9202		✓	Order			Aff. Posting			Status Rpt			UCCJEA			Citation			FTB Notice		<div style="text-align: center; margin-top: 10px;">Please see additional page</div>	
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Petitioners believe that if the guardian had the power or ability to keep their son away from them she would. The father states that the guardian demands that the child call her mommy and the child becomes fearful if he accidentally calls the guardian something other than mommy. When the child refers to his father as "daddy" the guardian tells the child that is a bad word and to call his father by name, Seth. The father states the guardian makes slanderous, inaccurate and inappropriate statements about him to the child.

The father states that he continues to be involved with the child's extra-curricular activities and has provided the child with a permanent room in his home for the child's visits. He also states that it is his goal to regain full physical and legal custody of the minor child, Cylis, before he misses out on another year of school, and things a parent should never miss out on.

Declaration filed by Cherisse Gilbert, mother, on 08/15/2013 which states that the only time she is able to see or care for her son is when the child is visiting his paternal grandmother during her court ordered visitation. The mother states that it is during this time that she is able to get the child ready for school, do homework, spend quality time and keep him on a regular schedule. She states that she has tried working with the guardian/maternal grandmother on allowing her more visits but the guardian is unwilling. The mother is concerned that the guardian is having the child call her mom which is causing the child great confusion. The mother states that she has taken steps to become a better mother. On June 11, 2011 she enrolled in a six month inpatient and six month outpatient program at Spirit of Women, in Fresno. While there she overcame her addiction and also completed classes which included Anger Management, Interpersonal Relationship/Codependency, Domestic Violence, Parenting Class, Relapse Prevention, Personal Development, Substance Abuse Education, Support Groups, Twelve Step Education, group and individual therapy. On 06/22/2012 the mother graduated from Spirit of Women and since completing the program she has gone back to school to get her GED, as well as obtained a job at Grilled Chz, as of 11/2012.

The mother states that both her and the father have worked hard to get where they are today and continue to work together to create a positive environment for the well-being of their son, Cylis.

Attached to the declaration are several certificates of completion.

Declaration filed 09/09/2013 by father, Seth Bird which include email exchanges with the guardian pertaining to visitation with the father and the child.

Court Investigator Julie Negrete's report filed 10/08/2013.

Please see additional page

Declaration of the Guardian, Victoria Van Linge-Schuh, in Support of Objection to Termination of the Guardianship filed on 10/11/2013 states that she and her husband are the only stable and loving care providers that the minor has ever known. The father was released from jail and returned to Fresno in 2010, he has made repeated efforts to terminate the guardianship to the detriment of Cylis' emotional and physical well-being. The parents, have levied countless unfounded allegations against the guardian, trying to portray her as abusive, manipulative, and a detriment to the child.

Stability of the Parents: On 08/14/2013, the guardian requested that Seth, the father, drug test as allowed in the current order. A true and correct copy of the test is attached as Exhibit "A", the results were positive for marijuana and methadone. Clearly the father is not sober as he alleges. Further, Seth and Cherisse, children's mother and father, are stating they will be living together with Cylis, the minor. They are telling the child this; but Seth's social media cites continue to show his relationship is in tact with his girlfriend Kristen Brewer who in the previous investigation had a criminal record. Until Seth has completed a chemical dependency assessment, followed the recommendations of the drug counselor, and tests consistently negative, there will be no support for his statement that he is a stable parent for Cylis. The guardian states that the father has become increasingly hostile towards her in his communication with her. She states that 10/13/2013 at a scheduled doctor's appointment Seth accused her via text message that she had purposefully changed the child's doctor's appointment. The mother, Cherisse, approached the guardian and began yelling at the guardian, accusing her of changing the appointment. The guardian tried to walk away with the minor and avoid conflict, at one point the father yelled out to the child **"just two more weeks and then you won't ever have to see her again!"** Guardian states that the situation was embarrassing, frightening, and did not have to happen in front of the child. She states that the parents rarely attend appointments for the child **unless** there is a pending Court hearing. Guardian believes the parents to be emotionally unstable and a psychological evaluation should be completed prior to a termination of guardianship.

Medical Needs of the Ward: The guardian states that the minor child has only one kidney due to being born premature. He needs to be monitored constantly and is on medication to ensure he remains healthy. The parents only come to appointments when there is a pending court date. The minor has had 9 combined dentist, doctors, and orthodontia appointments over the course of the past six months and the paternal grandmother, Kim, has attended none of them, Seth (father), has attended two, and Cherisse (mother) has attended two. Each has had adequate notice of the appointments. Guardian does not believe that either parent is ready to maintain the child's medical schedule and regimen.

Educational Needs: The guardian does not believe that the child is getting help with his homework or encouraged to do his Accelerated Reader testing during the paternal grandmother's week with the child. The child's Accelerated Reading tests are not taken regularly while he is with the paternal grandmother. The minor's grades are suffering because of the inconsistency during the school week.

Please see additional page

Emotional Needs of the Ward: The minor has been in counseling with Frankie King, LCSW, it has been helpful with addressing the child's signs of aggression. The guardian states that the parents do not share her same concern about violent video games and weapons that are inappropriate for a child of Cylis' age. The guardian witness the child holding a BB pistol on 08/26/2013. The guardian states that she does not ask the child what he does when he is with his parents however the child and the guardian share a close bond and he has shared with the guardian that his father told him that if he didn't "pick" living with the father that he would never be able to see his sister. The guardian believes that the father is putting the child in a position of turmoil. The guardian believes that the child should be out of this conflict, and the parents do not appear to understand or value the role that the guardian has with the child and how harmful it is to the child to feel like he cannot love the guardian.

Petitioner requests that t the investigator and or psychologist speak with Frankie King, LCSW, to determine what she believes is best for the child emotionally, prior to there being any decision regarding this petition. Petitioner requests the court order additional evaluations and services prior to terminating the guardianship.

Guardian's Objection to Termination of the Guardianship filed by Attorney Teri Ann Kezirian on 10/11/2013 states the guardian objects to the termination of the guardianship of the person of Cylis Joe Gilbert sought by Seth Bird, biological father and Cherisse Gilbert, biological mother of the child, as no legal or factual grounds exist justifying such termination, and the ward's best interests will not be met by such an order.

This objection is based on the pleadings on file, the credible admissible evidence before the Court, the declaration of the guardian submitted herewith, and any other relevant information which may be later discovered and admitted to trial.

Further, the guardian requests the Court order a chemical dependency assessment of the biological father and mother prior to considering the termination of the guardianship with a court approved provider, at the expense of the respective parents, and that the court order a psychological evaluation/bonding study to assess the ward's attachment to the guardian, and the biological parent's psychological stability at the expense of the petitioning parents.

Petition for Termination of Guardianship

Michael age: 7	MICHAEL RODRIGUEZ , Lanae's father, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Minute Order of 09/10/2013: The Court orders father to provide his contact information to the Clerk's Office forthwith. Minute Order of 07/23/2013: The court continues the matter to 09/10/2013 for the purpose of allowing Mr. Rodriguez to be contacted by the court investigator. The Court indicates to the parties that this will be Mr. Rodriguez's last continuance.
Lanae age: 6		
	CRYSTAL FARILY was appointed guardian of both minors on 3/18/2013.	1. Need Notice of Hearing. 2. Need proof of personal service fifteen (15) days prior to the hearing on the following: <ul style="list-style-type: none"> Father of Michael (Unknown) Sara White (Mother) Paternal grandparents of Michael (Unknown) Paternal grandparents of Lanae (Not Listed) Melvin White (Maternal Grandfather)
Cont. from 072313, 091013	Father (of Michael): UNKNOWN	
<input type="checkbox"/> Aff.Sub.Wit.	Mother: SARA WHITE	
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	Paternal grandparents of Michael: Unknown	
<input type="checkbox"/> PTC	Paternal grandparents of Lanae: Not Listed	
<input type="checkbox"/> Not.Cred.	Maternal grandfather: Melvin White	
<input type="checkbox"/> Notice of Hrg	Maternal grandmother: Gloria White – deceased.	
<input type="checkbox"/> Aff.Mail	Petitioner states: he is 29 years old, the father of Lanae Rodriguez. He will be starting a new job with In Home Supportive Services and has made changes in his home and lifestyle and is able to provide for his children. He states he knows how it feels to not have a parent in his life and he is willing to do what it takes.	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen	Court Investigator Jennifer Daniel's report filed 08/29/2013.	
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp	Declaration of DSS Social Worker Keith M. Hodge (18 pages) filed on 3/13/13 for the hearing appointing Crystal Farily as guardian on 3/18/13.	
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		Reviewed by: LV
<input type="checkbox"/> Status Rpt		Reviewed on: 10/04/2013
<input type="checkbox"/> UCCJEA		Updates:
<input type="checkbox"/> Citation		Recommendation:
<input type="checkbox"/> FTB Notice		File 12 – White & Rodriguez

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 3 years DOB: 5/18/2010		<u>NO TEMPORARY IN PLACE</u>		NEEDS/PROBLEMS/COMMENTS:	
		BARBARA PETERSON , maternal great grandmother, is petitioner.		<u>CONTINUED FROM 09/25/13</u>	
		Father: NOT LISTED		1. Need Notice of Hearing	
Cont. from 092513		Mother: BREA ORR		2. Need proof of service of the Notice of Hearing along with a copy of the Petition <u>or</u> Consent and Waiver of Notice <u>or</u> Declaration of Due Diligence for:	
<input type="checkbox"/>	Aff.Sub.Wit.			a. Father – Personal service required	
✓	Verified			b. Brea Orr (mother) – Personal service required	
<input type="checkbox"/>	Inventory			c. Paternal grandparents – Service by mail sufficient	
<input type="checkbox"/>	PTC			d. Maternal grandfather – Service by mail sufficient	
<input type="checkbox"/>	Not.Cred.			e. Tanzola Elder (maternal grandmother) – Service by mail sufficient	
<input type="checkbox"/>	Notice of Hrg	x		3. Confidential Guardian Screening Form is incomplete at #1a – 1e.	
<input type="checkbox"/>	Aff.Mail	x		<u>Note to Judge:</u> The Examiner did not prepare the Order/Letters due to the information in the CI report. If an Order/Letters is needed, the Examiner will prepare them after the hearing.	
<input type="checkbox"/>	Aff.Pub.			Reviewed by: JF	
<input type="checkbox"/>	Sp.Ntc.			Reviewed on: 10/10/13	
<input type="checkbox"/>	Pers.Serv.	x		Updates:	
✓	Conf. Screen			Recommendation:	
✓	Letters			File 13 – Orr	
✓	Duties/Supp				
<input type="checkbox"/>	Objections				
<input type="checkbox"/>	Video Receipt				
✓	CI Report				
<input type="checkbox"/>	9202				
✓	Order				
<input type="checkbox"/>	Aff. Posting				
<input type="checkbox"/>	Status Rpt				
✓	UCCJEA				
<input type="checkbox"/>	Citation				
<input type="checkbox"/>	FTB Notice				

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 1 DOB: 01/15/2012		NO TEMPORARY REQUESTED		NEEDS/PROBLEMS/COMMENTS:	
		JOHN LEDGER , maternal uncle, is petitioner.		1. Need Notice of Hearing.	
		Father: PEDRO HERRERA , Declaration of Due Diligence filed on 08/06/2013		2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Pedro Herrera (Father) Unless Court dispenses with notice. Note: Declaration of Due Diligence filed 08/06/2013 states address unknown. <ul style="list-style-type: none"> Mary Herrera (Mother) Unless Court dispenses with notice. Note: Declaration of Due Diligence filed 08/06/2013 states address unknown.	
Cont. from		Mother: MARY HERRERA Declaration of Due Diligence filed on 08/06/2013		3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for : <ul style="list-style-type: none"> Paternal Grandparents (Unknown) 	
<input type="checkbox"/>	Aff.Sub.Wit.	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Verified	<input type="checkbox"/>			
<input type="checkbox"/>	Inventory	<input type="checkbox"/>			
<input type="checkbox"/>	PTC	<input type="checkbox"/>			
<input type="checkbox"/>	Not.Cred.	<input type="checkbox"/>			
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>			
<input type="checkbox"/>	Aff.Mail	<input checked="" type="checkbox"/>			
<input type="checkbox"/>	Aff.Pub.	<input type="checkbox"/>			
<input type="checkbox"/>	Sp.Ntc.	<input type="checkbox"/>			
<input type="checkbox"/>	Pers.Serv.	<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>	Conf. Screen	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Letters	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Duties/Supp	<input type="checkbox"/>			
<input type="checkbox"/>	Objections	<input type="checkbox"/>			
<input type="checkbox"/>	Video Receipt	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	CI Report	<input type="checkbox"/>			
<input type="checkbox"/>	9202	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Order	<input type="checkbox"/>			
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>			
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	UCCJEA	<input type="checkbox"/>			
<input type="checkbox"/>	Citation	<input type="checkbox"/>			
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>			
				Reviewed by: LV	
				Reviewed on: 10/14/2013	
				Updates:	
				Recommendation:	
				File 14 - Herrera	

Needs/Problems/Comments (continued)

4. UCCJEA does not provide child's residence since birth.
5. The general petition indicates that the maternal grandmother is Dumma Indian. Therefore, a *Notice of Child Custody Proceeding for Indian Child* (Form ICWA-030), must be served prior to the general hearing, together with copies of petition and all attachments, including this form, on the child's parent; any Indian custodian; any Indian tribe that may have a connection to the child; the Bureau of Indian Affairs (BIA), and possibly the U.S. Secretary of the Interior, by certified or registered U.S. Mail, return receipt requested. (Please see Probate Code 1460.2, and CA Rules of Court 7.1015)
6. Per item 5 above, Petitioners will need to return the completed copy of the *Notice of Child Custody Proceeding for Indian Child* to the probate clerk. The probate clerk will then mail the notice to the required agencies as required.
7. After mailing, per item 6 above, need proof of service of notice, including copies of the notices sent and all return receipts and responses received, pursuant to Probate Code 1460.2(d).

Note: A blank copy of the *Notice of Child Custody Proceeding for Indian Child* (Form ICWA-030) is in the file to hand to petitioner at the hearing. Petitioner should complete the form and return it to the probate clerk for mailing.

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Michael, 16		<p align="center"><u>TEMPORARY EXPIRES 10/15/13</u></p> <p>CHRISTINA WALKER, half-sister, is Petitioner.</p> <p>Father: JOHN MARTINEZ – deceased Mother: MARYANN MISTRETTA – deceased</p> <p>Paternal grandparents: DECEASED</p> <p>Maternal grandparents: DECEASED</p> <p>Siblings: FRANK MISTRETTA, GINA MISTRETTA, DERRICK GORE, ANTHONY MARTINEZ – Consent & Waiver of Noticed filed 08/12/13 for Gina Mistretta, Derrick Gore & Anthony Martinez</p> <p>Petitioner states that both parents are deceased. Petitioner states that she has been the primary care-giver for the children for last six years.</p> <p>Court Investigator JoAnn Morris filed a report on 10/03/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: <ol style="list-style-type: none"> a. Frank Mistretta (brother) – service by mail is sufficient b. Michael Martinez (minor) – personal service required c. Michelle Martinez (minor) – personal service required 	
Michelle, 17				
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			<input checked="" type="checkbox"/>
<input type="checkbox"/>	Aff.Mail			<input checked="" type="checkbox"/>
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
<p>Reviewed by: JF</p> <p>Reviewed on: 10/11/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 - Martinez</p>				

Petition for Appointment of Temporary Guardian of the Person

Andrew, 14		GENERAL HEARING 12/05/13	NEEDS/PROBLEMS/COMMENTS:
Isaiah, 13			
		DOLORES DE ALBA GARZA , maternal grandmother, is Petitioner. Father: PEDRO MONTELONGO Mother: DOLORES YBARRA Paternal grandfather: PEDRO MONTELONGO - deceased Paternal grandmother: ERNESTINE CONDE Maternal grandfather: RAMIRO GARZA - deceased	1. Need <i>Notice of Hearing</i> . 2. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Temporary Guardianship Petition or Consent & Waiver of Notice or Declaration of Due Diligence</i> for: - Pedro Montelongo (father) - Dolores Ybarra (mother) - Andrew Montelongo (minor) - Isaiah Montelongo (minor)
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	x	
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	x	
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 10/14/13
			Updates:
			Recommendation:
			File 16 - Montelongo

Petition for Appointment of Temporary Guardian of the Person

Jimmy (2 years)	TEMP GRANTED EX PARTE EXPIRES 10-15-13		NEEDS/PROBLEMS/COMMENTS:
Josiah (1 year)	GENERAL HEARING 12-2-13		
Justine (1 month)	LUPITA FELIX , Maternal Grandmother, is Petitioner.		
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		<p>Reviewed by: skc</p> <p>Reviewed on: 10-14-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 17 – Trejo</p>